



Planning for Success.

INITIAL STUDY

NORTH 40 PHASE I DEVELOPMENT PROJECT

Architecture and Site Application S-13-090

Vesting Tentative Map M-13-014

PREPARED FOR

Town of Los Gatos

March 23, 2016

EMC PLANNING GROUP INC.
A LAND USE PLANNING & DESIGN FIRM

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PREPARED FOR
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TABLE OF CONTENTS

A.	BACKGROUND.....	1
B.	ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED	15
C.	DETERMINATION.....	16
D.	EVALUATION OF ENVIRONMENTAL IMPACTS	17
1.	Aesthetics	19
2.	Agriculture and Forest Resources.....	22
3.	Air Quality	24
4.	Biological Resources	31
5.	Cultural Resources	36
6.	Geology and Soils.....	40
7.	Greenhouse Gas Emissions.....	43
8.	Hazards and Hazardous Materials.....	44
9.	Hydrology and Water Quality.....	48
10.	Land Use and Planning.....	53
11.	Mineral Resources	54
12.	Noise	55
13.	Population and Housing.....	59
14.	Public Services	60
15.	Recreation	62
16.	Transportation/Traffic.....	63
17.	Utilities and Service Systems	68
18.	Mandatory Findings of Significance	71
E.	SOURCES	75

Appendices (CD Included on Inside Back Cover)

Appendix A	Health Risk Analysis
Appendix B	Environmental Site Summary
Appendix C	Environmental Noise Review
Appendix D	Traffic Reports

Figures

Figure 1	Regional Location	7
Figure 2	Project Vicinity	9
Figure 3	Existing Conditions	11
Figure 4	Illustrative Site Plan	13

A. BACKGROUND

Project Title	North 40 Phase I Development Project
Lead Agency Contact Person and Phone Number	Town of Los Gatos Community Development Dept. Marni Moseley, Associate Planner, 408-354-6802
Date Prepared	March 23, 2016
Study Prepared by	EMC Planning Group Inc. 301 Lighthouse Avenue, Suite C Monterey, CA 93940 Richard James, AICP, Principal Gina Hamilton, Senior Planner Elizabeth King, Senior Planner
Project Location	North of Lark Avenue, east of State Route 17, and west of Los Gatos Boulevard in the Town of Los Gatos, Santa Clara County, CA.
Project Sponsor Name and Address	Grosvenor One California Street, Suite 2500 San Francisco, CA 94111 Summerhill Homes 3000 Executive Parkway, Suite 450 San Ramon, CA 94583 Eden Housing 22645 Grand Street Hayward, CA 94541
General Plan Designation	North Forty Specific Plan
Zoning	North Forty Specific Plan

Setting

The project site is located within the southern half of the North 40 Specific Plan area (“Plan Area”) in the Town of Los Gatos. The project site comprises approximately 20.7 acres and is bounded by Lark Avenue to the south, State Route 17 to the west, Los Gatos Boulevard to the east, and State Route 85 to the north. [Figure 1, Regional Location](#), and [Figure 2, Project Vicinity](#), identify the project location.

Project Site Existing Conditions

The project site currently hosts a mixture of agricultural and urban uses. Two commercial buildings and four houses are located along Los Gatos Boulevard. An additional 12 residences and equipment shed are located on Lark Avenue and Bennett Way. Existing commercial uses include offices, car rental, and a drinking establishment. Much of the project site is a walnut orchard.

Project Vicinity Existing Conditions

Existing commercial uses adjacent to the project site and within the plan area include large medical office buildings along Los Gatos Boulevard near Bennett Way and a gasoline station at the intersection of Lark Avenue and Los Gatos Boulevard. A mix of houses, commercial, and agricultural uses are located elsewhere within the plan area and commercial, office, and residential uses are located across Los Gatos Boulevard and Lark Avenue. State Route 17 is to the west of the project site. [Figure 3, Existing Conditions](#), illustrates the existing land uses on and near the project site.

Project Site and Vicinity Planning Designations

The *Town of Los Gatos 2020 General Plan* ("General Plan") identifies the project site with the North 40 Specific Plan Overlay land use designation, which is implemented through the North 40 Specific Plan. The project site is within the Lark and Transition districts of the North 40 Specific Plan, which allow a mix of residential and commercial uses and establish the development standards for the project site.

CEQA Approach

The Town adopted the North 40 Specific Plan on June 17, 2015. Environmental documentation for the North 40 Specific Plan, the *North Forty Specific Plan Environmental Impact Report* ("North 40 EIR"), was certified in January 2015. This initial study has been prepared to compare the proposed project with the development assumptions studied in the North 40 EIR, to determine if the North 40 EIR provides adequate environmental review under the California Environmental Quality Act ("CEQA"), and to assess whether additional environmental review is required in accordance with CEQA Guidelines section 15162.

Project Summary

The proposed project is Phase 1 of development under the North 40 Specific Plan, and includes 320 new residential units and 67,991 square feet (57,522 net leasable square feet) of new

commercial space. Existing site improvements would be removed, including: 16 houses, five commercial buildings (about 9,400 square feet), and accessory structures; an equipment barn; related infrastructure, landscaping, and orchard trees. The proposed project would result in net increases of 304 residential units and about 58,600 gross square feet of commercial space. The applicant has submitted an Architecture and Site application and a Vesting Tentative Map for Condominium Purposes application to the Town. The submittals include the following supporting materials:

- parcel subdivision map dimensional and horizontal control plans;
- demolition diagram;
- preliminary grading plan;
- preliminary utility plan;
- street and site cross-sections;
- off-site improvements plan;
- fire access diagram;
- illustrative site plans;
- building, parking, coverage, and open space tabulations;
- landscape plans;
- residential and commercial building elevations;
- residential floorplans;
- commercial site plans;
- building height diagrams; and
- shading diagrams.

The proposed land uses and their arrangement are consistent with the development regulations contained in the North 40 Specific Plan. [Figure 4, Illustrative Site Plan](#), shows the proposed location of streets and buildings within the project site.

Transition District Development

Development within the Transition District is proposed to be high density mixed use development consisting of retail, senior affordable housing, and condominiums designed for small households (e.g.: young professional and empty nester). Uses in the Transition District would be primarily multi-story buildings ranging in heights from 25 feet up to 55 feet. The

proposed improvements for the Transition District include 127 residential units and 67,991 gross square feet of commercial uses as well as 138,500 square feet of structured parking.

The commercial uses would be clustered along the Los Gatos Boulevard frontage between Camino del Sol and Terreno de Flores Lane. The commercial component would consist of restaurants, general and specialty retail, and personal services uses, with a 20,000 square-foot specialty food market hall as a focal feature. Several one to two-story stand-alone retail buildings and a live-work building would also be located in the Transition District. Included in the commercial square footage is a 2,000 square-foot community meeting room.

The senior units would be located as part of a mixed use area within the Transition District. The senior units would range from about 550 to 800 square feet, and occupy the second and third stories of the market hall retail building. Row homes and condominiums would be three stories in height and located between the retail mixed use area and the western boundary of the project site. The row home and condominium units would range from 1,000 to 2,000 square feet in buildings arranged around pedestrian paseos.

A combination of surface parking and parking garages would serve the condominiums and retail uses and a one-story below grade parking garage would serve the senior residential and the market hall. A variety of public spaces, including garden areas, parks, outdoor eating areas, and plazas would be located within the Transition District for the use of residents and shoppers.

Lark District Development

The development in the Lark District is proposed to be residential with a centrally located community park and interconnecting pedestrian paseos. The 193 residential units within the Lark District would be comprised of one, two, and three bedroom units. The maximum building height would be 35 feet.

The residential development would consist of garden cluster homes, row houses, and condominium clusters. Garden cluster units would be built as five- seven- or eight-unit buildings around individual yard areas, two and three stories tall, with attached and semi-attached units ranging from approximately 1,200 to 2,000 square feet. The three-story row houses would be in groups of five, six, or seven units, with units ranging from 1,500 to 1,950 square feet. Condominium clusters would be three stories in height and include 16 units ranging in size between 1,000 and 2,000 square feet. Parking would be provided in private garages accessed from an alley or street.

Infrastructure

Existing infrastructure, including roads, parking areas, septic systems, and wells would be removed from the project site. An existing regional water delivery pipeline would be re-located

within the project site and new utility and circulation infrastructure would be constructed to serve the new development. On-site and off-site infrastructure improvements would be constructed for the project. New storm water drainage facilities would be constructed to direct storm water flows to Los Gatos Creek. New water lines would be installed to connect with the San Jose Water Company facility to the west of Lark Avenue. New wastewater lines would be constructed to collect wastewater and deliver it to trunk lines leading to the regional treatment plant.

A new street (South Street A) would be constructed at the midway point on Lark Avenue providing a connection from Lark Avenue through the residential development and connection to the new street (Neighborhood Street) which provides access to the commercial area via Los Gatos Boulevard. Neighborhood Street is located at a point approximately mid-way between Bennett Avenue and Terreno de Flores Lane. Local private streets and alleys would provide access to the residential development and provide additional circulation throughout the project area. Sidewalks and pedestrian paseos (including a multi-use path) would interconnect throughout the project site, including a path along Lark Avenue and Los Gatos Boulevard, and a path connecting the Lark District residential uses with the commercial area. Off-site improvements to the Lark Avenue onramp to northbound State Route 17 would be constructed.

Public Agencies Whose Approval is Required

Lead Agency

- Town of Los Gatos
 - Zoning Amendment;
 - Lot Line Adjustment and Subdivisions;
 - Conditional Use Permits;
 - Architecture and Site Reviews;
 - Encroachment Permits for improvements within a Town street right-of-way;
 - Grading Permits;
 - Tree Removal Permits;
 - Demolition Permits; and
 - Building Permits.

Other Local or Regional Agencies

- County of Santa Clara Department of Environmental Health, Solid Waste, and Site Mitigation Programs (Responsible Agency)
 - Construction within a contaminated soils clean-up area.
- Santa Clara Valley Water District (Responsible Agency)
 - Relocation of district water line.
 - New storm water discharges to district facilities.
 - Water Resources Protection Ordinance encroachment permit.
- Regional Water Quality Control Board (Responsible Agency)
 - National Pollutant Discharge Elimination System Permits.
- Santa Clara Valley Transportation Authority (Responsible Agency)
 - Bus stop construction and/or re-location.
- West Valley Sanitation District
 - Wastewater system connections
- San Jose Water Company
 - Water system connections and re-location of existing water transmission facilities

State Agencies

- California Department of Transportation (Responsible Agency)
 - Encroachment Permits for improvements within a State Route right-of-way.
- California Department of Toxic Substances Control (Responsible Agency)
 - Construction within a contaminated soils clean-up area.

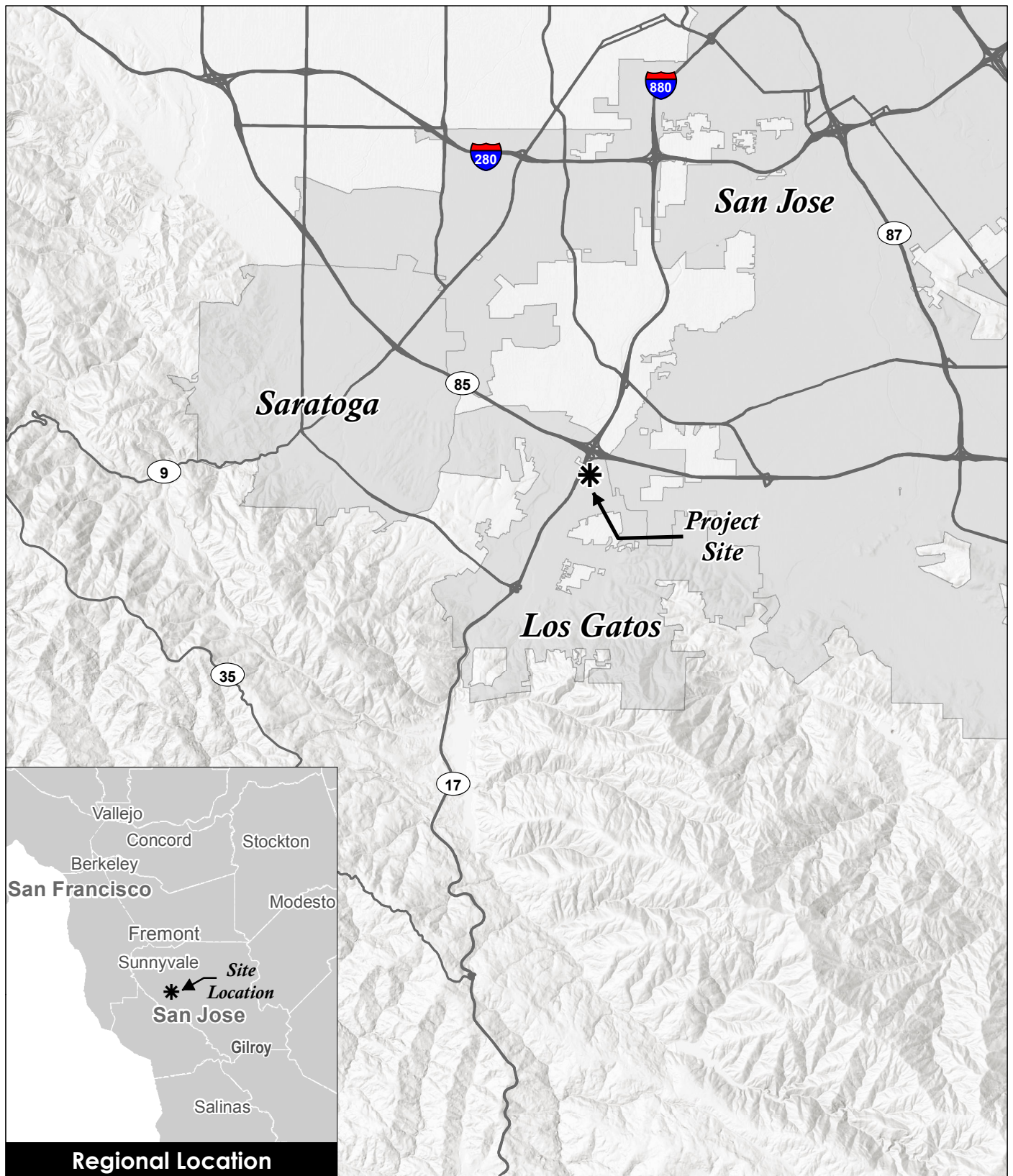
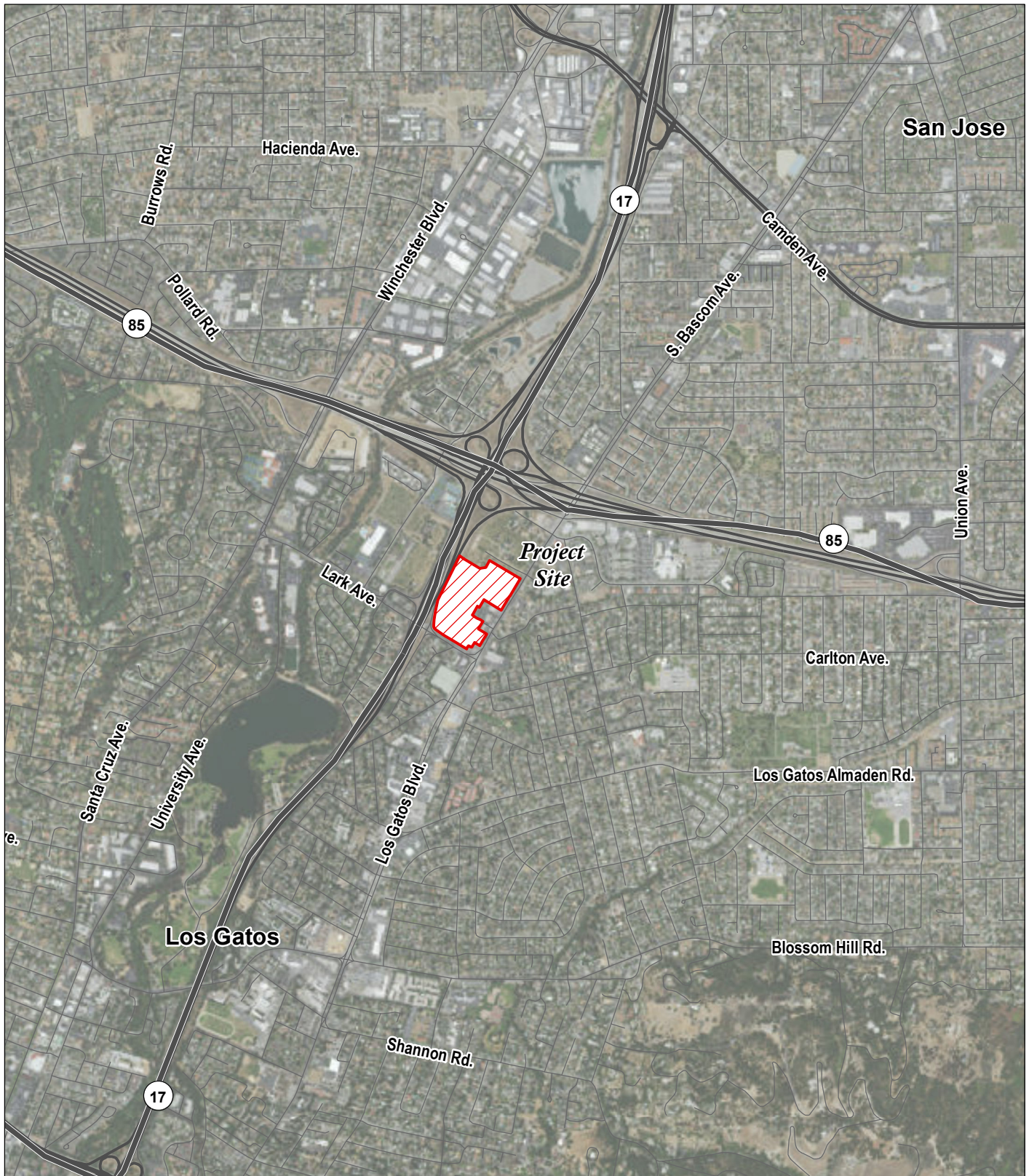


Figure 1

Regional Location

North 40 Phase 1 Initial Study

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0 0.5 miles

Source: Esri 2010

Figure 2

Project Vicinity

North 40 Phase 1 Initial Study



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Source: Google Earth 2011

Figure 3
Existing Conditions
 North 40 Phase 1 Initial Study

This side intentionally left blank.



Source: Grosvenor 2016

Figure 4

Illustrative Site Plan

North 40 Phase 1 Initial Study

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B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one new impact that is a “Potentially Significant Impact.”

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Noise | <input type="checkbox"/> Mandatory Findings of Significance |

C. DETERMINATION

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ✓ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (1) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Joel Paulson, Community Development Director

Date

D. EVALUATION OF ENVIRONMENTAL IMPACTS

Notes

1. A brief explanation is provided for all answers except “No Impact” answers that are adequately supported by the information sources cited in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer is explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers take account of the whole action involved, including off-site as well as on-site, cumulative as well as a project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once it has been determined that a particular physical impact may occur, then the checklist answers indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less-Than-Significant Impact with Mitigation Measures Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less-Than-Significant Impact.” The mitigation measures are described, along with a brief explanation of how they reduce the effect to a less-than-significant level (mitigation measures from section XVII, “Earlier Analyses,” may be cross-referenced).
5. Earlier analyses are used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier document or negative declaration. [Section 15063(c)(3)(D)] In this case, a brief discussion would identify the following:
 - a. “Earlier Analysis Used” identifies and states where such document is available for review.

- b. “Impact Adequately Addressed” identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. “Mitigation Measures”—For effects that are “Less-Than-Significant Impact with Mitigation Measures Incorporated,” mitigation measures are described which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6. Checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances, etc.) are incorporated. Each reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.
- 7. “Supporting Information Sources”—A source list is attached, and other sources used or individuals contacted are cited in the discussion.
- 8. This is the format recommended in the CEQA Guidelines as amended January 2011.
- 9. The explanation of each issue identifies:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any to reduce the impact to less than significant.

I. AESTHETICS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Have a substantial adverse effect on a scenic vista? (1, 2, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? (1, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
c. Substantially degrade the existing visual character or quality of the site and its surroundings? (1, 2, 3, 5)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>

Comments:

- a. As discussed in the North 40 EIR (pages 3-8 – 3-10), the North 40 Specific Plan establishes development parameters for the project site, some of which could have an effect on views of scenic vistas, including specifications for landscaping, development density, bulk, and height of future development. Of these, height limits and landscaping are most likely to have effects on views.

The North 40 Specific Plan allows a hotel and a mixed use with affordable units building up to 45 feet tall, and residential and non-residential buildings up to 35 feet tall. A further height limit of 25 feet is placed on any portion of a building within 50 feet of Lark Avenue or Los Gatos Boulevard. With the exception of the market hall/senior housing building, all of the proposed buildings are 35 feet tall or lower. The market hall/senior housing building would have a height of 45 to 51 feet, including architectural features and mechanical equipment. The height exception is being requested as a waiver of development standards through the State Density Bonus Law which prohibits the Town from imposing a design standard that precludes the applicant from providing the density (number of units) permitted with the density bonus.

The North 40 EIR determined that buildings near State Route 17 could reach 35 feet in height before they began to break the mid-range vegetation line shown in North 40 EIR Figure 14. The buildings proposed adjacent to State Route 17 have a maximum height of

35 feet. The buildings would be visible from the highway until the buffer landscaping matured, at which time they would be obscured from view. The market place/senior housing building would be located about 425 feet from the State Route 17 right-of-way, and the additional 10 to 13 feet of height would not interfere with views toward the Santa Cruz Mountains.

The North 40 EIR determined that the tree buffer proposed in the North 40 Specific Plan along the State Route 17 and State Route 85 frontages would be consistent with General Plan policy, which calls for a vegetative buffer and screening along the freeways. The North 40 EIR noted that the list of three tree species identified in the North 40 Specific Plan for the perimeter areas adjacent to the freeway may eventually reach dimensions that could result in partially obscured views of the mountains from State Route 17. The North 40 EIR concluded that the landscape buffer along State Route 17 and State Route 85 would implement General Plan policy, and the landscape screening would have a less-than-significant impact on scenic views. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

The North 40 Specific Plan provides a list of three acceptable trees for the perimeter areas adjacent to the freeways: Coast live oak (*Quercus agrifolia*), Coast redwood (*Sequoia sempervirens*), and Monterey pine (*Pinus radiata*). The planting palette for the Transition District identifies these three tree species as buffer trees (Architecture and Site application, sheet 2.5). The Lark District planting palette does not show any particular trees for the highway buffer area, but Sheet 6.18 provides a detail showing the use of Canary Island Pine adjacent to the proposed sound wall, therefore, a vegetative buffer would obscure views of most of the proposed Lark District buildings. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

- b. State Route 17 is not an eligible scenic highway where it passes the project site. The project site is not visible from State Route 85. The North 40 EIR concluded that neither of the adjacent State Route segments is designated as a scenic highway, and therefore, development under the North 40 Specific Plan would not damage scenic resources within a state scenic highway (North 40 EIR, page 3-10). The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.
- c. The project site includes developed areas and orchards. The clearest views into the project site are from Lark Avenue and northbound State Route 17. The proposed project would result in development of approximately half of the undeveloped land within the North 40 Specific Plan. Phase 1 development is expected to occur over a period of approximately two to five years. The North 40 Specific Plan establishes development

parameters that will affect how development changes the character of the project site, including requirements for open space and landscaping, and limitations on height, density, and bulk of future development. The proposed project is consistent with the development parameters. The proposed project would result in development heights mostly similar to the existing office buildings within the Plan Area and along Los Gatos Boulevard. In one area, the project proposes buildings taller than those currently existing on the west side of Los Gatos Boulevard, but lower than buildings in neighboring jurisdictions in close proximity to the project site and Los Gatos Boulevard. Development of the proposed project would be consistent with that envisioned in the North 40 Specific Plan, and compatible with existing development within the Plan Area as well as in adjacent areas. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary. North 40 EIR Mitigation Measure AES-1 requires setbacks to existing houses, to reduce the severity of changes in aesthetic character, however the proposed project does not include any locations where this would apply.

- d. The proposed project would result in development consistent with that considered in the North 40 EIR and the approved Specific Plan. The North 40 EIR concluded that development under the North 40 Specific Plan would result in less-than-significant impacts associated with light and glare (North 40 EIR, page 3-15). The proposed project would be subject to the same lighting policy identified in the North 40 EIR (Policy CD-3.2). In addition, development would be subject to the lighting and design standards identified in the North 40 Specific Plan which address effects of lighting and glare. Therefore, the proposed project would result in less-than-significant impacts associated with light and glare. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

2. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts on agricultural resources are significant environmental effects and in assessing impacts on agriculture and farmland, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use? (1,2,4)	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (1, 2,5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
d. Result in the loss of forest land or conversion of forest land to non-forest use? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use? (1,2,4)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>

Comments:

- a. The North 40 EIR determined that portions of the Plan Area planted in orchard are designated as Unique Farmland, and that implementation of the North 40 Specific Plan would result in the conversion of approximately 27 acres of Unique Farmland to urban uses. The North 40 EIR concluded that the loss of this Unique Farmland is a significant and unavoidable impact, and the Town Council adopted a statement of overriding considerations finding that the benefits of development on this land will outweigh the significant and unavoidable environmental impact (North 40 EIR, page 3-20).

The proposed project would result in the conversion of the same agricultural lands as were evaluated in the North 40 EIR. Therefore, the loss of agricultural land attributed to the proposed project has already been adequately analyzed and disclosed in the North 40 EIR. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

- b. The North 40 EIR determined that the plan area is not under Williamson Act contract, nor are any nearby parcels within Los Gatos (General Plan, Land Use Element, Figure LU-2). The portions of the project site that are planted in orchard were formerly zoned Resource Conservation. With final approval of Ordinance 2242 on August 4, 2015, the Los Gatos Town Council re-zoned the project site to North 40 Specific Plan Area. The proposed project is consistent with the North 40 Specific Plan development regulations. The proposed project would have no impact on land under Williamson Act contracts or zoned for agricultural uses. This determination is consistent with that in the North 40 EIR. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.
- c/d. The majority of the project site is planted in orchards, and the remainder of the project site is developed with residential and commercial uses. There are no forestry resources in the project site, and thus no impact.
- e. The North 40 EIR determined that the North 40 Specific Plan would not result in impacts to agricultural or forest resources beyond that identified earlier. The proposed project is consistent with the North 40 Specific Plan, and likewise does not have the potential to affect agricultural resources not already discussed above. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Conflict with or obstruct implementation of the applicable air quality plan? (1, 2, 5,17,19, 21)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (1, 2, 16,20, 21)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? (1, 2, 19, 21)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations? (1, 2, 20, 21,23)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people? (1, 2, 3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

- a. The North 40 EIR identifies Bay Area Air Quality Management District (“air district”) 2010 Clean Air Plan control measures that are potentially applicable to residential and commercial projects. These control measures are summarized in Section 3.3, Air Quality, in the North 40 EIR, pages 3-42 – 3-44. The North 40 EIR determined that the North 40 Specific Plan would implement many of the control measures, which are requirements of the General Plan or the *Los Gatos Sustainability Plan*. However, the EIR also determined that several of the control measures would not be implemented. The North 40 EIR concluded that implementation of mitigation measures presented in Section 3.13, Transportation and Traffic, and implementation of North 40 EIR Mitigation Measures AQ-1, AQ-2, and AQ-3 would eliminate conflicts with the 2010 Clean Air Plan and reduce impacts associated with inconsistencies with applicable control measures of the 2010 Clean Air Plan to a less-than-significant level.

The proposed project would be required to implement these mitigation measures as applicable. Implementation of these mitigation measures would reduce project impacts associated with inconsistencies with applicable control measures of the 2010 Clean Air Plan to a less-than-significant level. This conclusion is consistent with that in the North 40 EIR. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

North 40 EIR Mitigation Measures Addressing Impacts

- AQ-1. Low NO_x emitting heating systems shall be required for commercial, office, and hotel uses.*
- AQ-2. Parking lots shall provide charging stations at a rate of no less than one percent of parking spaces.*
- AQ-3. All commercial developments shall incorporate energy reduction measures, including cool pavement materials, cool roof materials, and/or renewable energy sources, such as on-site solar power, to partially off-set electricity needs within the Plan Area. Common areas within commercial, office, and hotel developments shall utilize solar-generated or other renewable source electricity, or provide facilities for contribution of a like amount of renewable electricity to the electric grid.*
- TR-4. The developer(s) shall work with the Town and Santa Clara Valley Transportation Authority regarding the provision of a shuttle service or regularly scheduled direct bus route service to the Vasona light rail station, to be in service concurrent with commencement of revenue service on the Vasona light rail extension.*
- TR-5. The developer(s) shall work with the Town and Santa Clara Valley Transportation Authority, and other agencies to ensure that the Plan Area is developed in a manner that takes full advantage of the transit opportunities afforded by the Vasona Light Rail.*
- TR-6. Development within the Lark District near the intersection of Lark Avenue and Los Gatos Boulevard shall provide a direct pedestrian/bicycle access between residential areas and the intersection of Los Gatos Boulevard and Lark Avenue.*
- TR-7. Either bicycle lanes or sharrows (shared lane markings) shall be provided on A Street between Los Gatos Boulevard and Lark Avenue. The speed limit shall be no greater than 30 miles per hour, and Bikes May Use Full Lane signs (Caltrans sign R4-11) shall be placed on streets marked with sharrows.*
- b/c. The air basin is in non-attainment for ozone and particulate matter. Future emissions of ozone precursors (nitrogen oxides or volatile organic compounds) or particulate matter (PM₁₀ or PM_{2.5}) from specific development projects could result in an increase in non-attainment criteria pollutants within the air basin. Vehicle miles traveled is the air district's recommended measure of a plan's long-term effect on criteria air pollutant emissions (North 40 EIR, page 3-45).

As discussed in the North 40 EIR (pages 3-45 and 3-46), to compare vehicle miles traveled, the plan area's existing population and trips were compared to projected population and trips. The service population in the plan area was expected to increase by over 800 percent, but the vehicle miles traveled was estimated to increase by only about 400 percent, therefore, there would be a reduction in vehicles miles traveled per capita, and no significant impact on criteria air pollutants. The proposed project is consistent with the North 40 Specific Plan and should realize the same or similar reduction in per capita vehicle miles traveled. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

- d. Construction of the proposed project would take place adjacent to several existing houses. Construction of the storm water drainage connection west of Oka Road would take place adjacent to the Bonnie View mobile home park. Construction of the water main connection south of Lark Avenue would take place adjacent to houses on Highland Oaks Drive. Construction in these locations would result in dust emissions (particulate matter) that could affect residents of these areas.

The North 40 EIR concluded that implementation of Mitigation Measure AQ-4 would reduce impacts associated with construction dust to a less-than-significant level (North 40 EIR, page 3-47; North 40 Final EIR, page 3-5). The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

North 40 EIR Mitigation Measure Addressing Impacts

AQ-4. The developer(s) shall implement basic dust control measures at all on-site and off-site locations where grading or excavation takes place. The developer(s) shall implement additional dust control measures at all on-site and off-site locations where grading or excavation takes place within 200 feet of residential properties.

Basic Dust Control Measures:

- a. *All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day;*
- b. *All haul trucks transporting soil, sand, or other loose material off-site shall be covered;*
- c. *All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;*
- d. *All vehicle speeds on unpaved roads shall be limited to 15 mph;*

- e. *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used; and*
- f. *Post a publicly visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.*

Additional Dust Measures

- g. *All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph;*
- h. *Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established; and*
- i. *Unpaved roads shall be treated with a three to six inch compacted layer of wood chips, mulch, or gravel.*

The project site is adjacent to two arterial streets and one freeway. High volumes of traffic, including heavy diesel trucks, use these roads. State Route 17 has an average daily traffic volume of 86,000 vehicles, and the Lark Avenue onramp has a daily volume of 14,400 vehicles. State Route 17 traffic includes about 2.5 percent heavy duty trucks and about three percent other trucks. Los Gatos Boulevard and Lark Avenue have daily traffic volumes of fewer than 30,000 vehicles (North 40 EIR, page 3-48).

Based on air quality assessment prepared for the North 40 Specific Plan (Illingworth and Rodkin 2013), the North 40 EIR determined that the diesel particulate matter and total organic gas emission cancer risks associated with Los Gatos Boulevard and Lark Avenue are less than significant beyond ten feet from the edge of those roadways. For State Route 17, Illingworth and Rodkin conducted in-depth dispersion modeling of toxic air contaminants to evaluate health risk factors. Based on the results of this modeling, as presented in the air quality assessment, the North 40 EIR also determined that cancer risks were projected to be the highest at the southwest corner of the project site, near the State Route 17 on-ramp from Lark Avenue, where the cancer risk was 14.3 cases in one million. Cancer risks that exceed the air district's ten-in-one million threshold were projected to extend northward for the entire length of the project site's western boundary, and extend into the project site by about 100 to 140 feet. Due to changes in diesel engines and diesel fuel that were phased in through 2015, and ongoing changes to the fleet mix on highways, the extent of the project site affected by toxic air contaminants is expected to drop. As of 2015, the area of significant effect is expected to be only about 50 feet into

the project site. Non-cancer health risks from diesel particulate matter and total organic gas emissions did not exceed the air district's threshold. The location of health risks in excess of thresholds is identified on Figure 15, Health Risks, in the North 40 EIR (page 3-49). The air quality assessment is included as Appendix D in the North 40 EIR.

The North 40 Specific Plan designates a perimeter overlay zone at all of the plan area boundaries. The perimeter overlay zone includes a minimum 30-foot setback of buildings from the State Route 17 property boundary. The North 40 Specific Plan also includes a landscaped buffer within this setback along State Route 17. However, residential uses could be placed within areas with toxic air contaminants in excess of standards (North 40 EIR, page 3-51), i.e. the area between 30 feet and 50 feet from the highway right-of-way.

The North 40 EIR concluded that implementation of Mitigation Measures AQ-5 and AQ-6, as presented in Section 3.3, Air Quality, in the North 40 EIR would reduce toxic air contaminant health risks to a less-than-significant level (North 40 EIR, pages 3-48 and 3-51). North 40 EIR Mitigation Measure AQ-6 requires further study if residential development is proposed within 50 feet of State Route 17.

North 40 EIR Mitigation Measures Addressing Impacts

- AQ-5. High efficiency filtration (MERV rating of 13 or greater) on ventilation systems shall be required in residential, hotel, and office units located in areas along State Route 17 identified in the EIR as having cancer risk in excess of 10 cases per million.*
- AQ-6. Ground-level outdoor residential yards that are not oriented to the Los Gatos Boulevard side of the Plan Area, shall be located no closer than 100 feet from the State Route 17 right-of-way prior to 2015, and, subject to air hazards modeling to confirm, no closer than 50 feet from the State Route 17 right-of-way thereafter (when diesel fuel and engine changes will reduce diesel emissions levels).*
- (Additional analysis has demonstrated that the Phase 1 residential building placement as shown on the plan set dated February 8, 2016, is acceptable.)*

The Vesting Tentative Map indicates that some residential units (all or part of about six units) would be closer than 50 feet from State Route 17. Illingworth and Rodkin was contacted and stated that the MERV 13 ventilation system filtration required by Mitigation Measure AQ-5 would be enough to reduce average cancer rates at the residences to below 10 cases per million, with or without a 50-foot setback. New homes in California must have mechanical ventilation systems, per requirements of California Code of Regulations 2008, Title 24, Section 150(o), and the filtration can be incorporated into this system. The reduction in health risks within the interior of buildings would

result in an overall reduction in health risks, so that the higher risk associated with outdoor air exposure would be offset. Illingworth and Rodkin estimate that with an average of two hours of outdoor air exposure and use of MERV 13 filtration, the averaged exposure would be reduced by about 46 percent. Therefore, with implementation of the MERV 13 filtration, the averaged cancer risk would be expected to decrease by close to half, and the location with the highest cancer risk factor would be reduced to below the 10.0 cases per million threshold. The Illingworth and Rodkin modeling was conducted for locations 1.5 meters (about five feet) above ground level. Studies indicate that toxic air contaminant concentrations are reduced at heights corresponding to the second and third stories of buildings, thus reducing outside exposures for balconies. Refer to Appendix A, Health Risk Analysis, for additional detail. Exposure of residents to toxic air contaminant health risks would be less than significant. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

As discussed in the North 40 EIR, development under the North 40 Specific Plan would increase traffic volumes at numerous intersections and reduce levels of service at several intersections. However, the proposed project would not result in hourly traffic volumes in excess of 44,000 vehicles at any of the street intersections, and therefore, the North 40 EIR concluded that development under the North 40 Specific Plan would not result in a significant environmental impact from concentrations of carbon monoxide (pages 3-51).

The proposed project would constitute partial build-out of the plan area as described in the North 40 Specific Plan and evaluated in the North 40 EIR. Because of this, increases in traffic volumes would be less than were calculated for the North 40 Specific Plan, and the proposed project would likewise result in less-than-significant impacts from concentrations of carbon monoxide. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

As discussed in the North 40 EIR (page 3-51), the gas station within the plan area has a screening level cancer risk that is significant to a distance of about 100 feet from the gas pumps. Additional analysis was conducted by Illingworth and Rodkin (2013), who determined that cancer risk at 50 feet from the pumps would be 2.4 cases in one million. The Lark Avenue Carwash has gas pumps, with a cancer screening level risk of 1.6 cases in one million. The San Jose Water Company operates a back-up generator at the reservoir south of Lark Avenue, and at least 350 feet from the project site. Illingworth and Rodkin estimated the cancer risk at the nearest project site boundary to be 5.8 cases in one million. All of the stationary sources within 1,000 feet of the plan area have cancer risk levels below the threshold of 10 new cases in one million. The North 40 EIR concluded that toxic air emissions from stationary sources would have a less-than-

significant environmental impact (page 3-51). The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

As discussed in the North 40 EIR (pages 3-51 and 3-52), demolition of buildings that could include asbestos-containing materials could pose a health risk. Standard requirements for permitting removal and handling of asbestos would reduce potential effects from asbestos from building demolition to a less-than-significant level. Soils-borne asbestos is considered a significant issue when susceptible populations may be exposed to asbestos, such as at playgrounds and schools, or residential yards. The project site is not adjacent to a stream that could have transported asbestos from ridge tops, where it typically originates. The North 40 EIR concluded that the likelihood of high levels of asbestos in the soil is low, and considered a less-than-significant impact (North 40 EIR page 3-52). The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

- e. The North 40 EIR determined that, based on the land uses proposed in the North 40 Specific Plan, there is no potential for substantial odors. The proposed project includes the same ranges of land uses as directed by the North 409 Specific Plan, and would result in no impacts associated with substantial odors (North 40 EIR, page 3-52). The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

4. BIOLOGICAL RESOURCES

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? (1,2,3,4,5)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
c. Have a substantial adverse effect on federally protected wetlands, as defined by section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (1,2,3,4,12,13)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

- a. The North 40 EIR determined that (pages 3-61 and 3-62):
 - The plan area contains suitable areas for protected nesting birds, and if protected nesting birds are nesting in or adjacent to a construction or tree trimming/removal area during the bird nesting season (February 1 through August 31), then construction activities could result in the loss of eggs, nestlings, or otherwise lead to nest abandonment, which would be a significant impact. Based on the presence of suitable nesting habitat, there is moderate potential that, during certain times of the year, the project site could contain the active nests of protected bird species. Sustained noise-generating disturbance activities generating sustained noise greater than 85 decibels have the potential to adversely impact protected nesting birds.
 - Mature tree removal could conflict with General Plan policy ENV 4.7, which establishes protective measures requiring the preparation of a mitigation plan prior to the removal of nesting habitat for development.
 - Although burrowing owl was not observed during 2011 focused surveys, there is some, albeit low, potential for this species to become established and occupy habitats within the project site prior to construction activities, based on the presence of patches of non-native grassland containing active ground squirrel burrows.
 - Marginally suitable roosting habitat is present within the project site for special-status pallid bat (*Antrozous pallidus*). Therefore, development under the North 40 Specific Plan (specifically demolition of buildings where bats may roost) has some, albeit low potential to directly affect individual pallid bats should they be roosting on the project site during construction activities.

The North 40 EIR concluded that implementation of Mitigation Measures BIO-1 through BIO-5 regarding special-status species, as presented in Section 3.4, Biological Resources, in the North 40 EIR would reduce potentially significant impacts to these protected biological resources to a less-than-significant level (North 40 EIR, pages 3-62 and 3-63). The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary. The proposed project would result in development that was considered in the North 40 EIR. Therefore, the proposed project could result in the same potential significant impacts to special-status species as those identified in the North 40 EIR. Implementation of Mitigation Measures BIO-1 through BIO-5 would reduce potentially significant impacts to special-status species to a less-than-significant level.

North 40 EIR Mitigation Measures Addressing Impacts

BIO-1. If noise generation, ground disturbance, vegetation removal, or other construction activities begin during the nesting bird season (February 1 to August 31), or if construction activities are suspended for at least two weeks and recommence during the nesting bird season, then the project developer shall retain a qualified biologist to conduct a pre-construction survey for nesting birds. The survey shall be performed within suitable nesting habitat areas on the project site, and as feasible within 250 feet of the site boundary, to ensure that no active nests would be disturbed during project implementation. This survey shall be conducted no more than two weeks prior to the initiation of disturbance and/or construction activities. A report documenting the survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist and submitted to the Town of Los Gatos for review and approval prior to disturbance and/or construction activities.

If no active bird nests are detected during the survey, then project activities can proceed as scheduled. However, if an active bird nest of a native species is detected during the survey, then a plan for active bird nest avoidance shall determine and clearly delineate an appropriately sized, temporary protective buffer area around each active nest, depending on the nesting bird species, existing site conditions, and type of proposed disturbance and/or construction activities. The protective buffer area around an active bird nest is typically 75-250 feet, determined at the discretion of the qualified biologist and in compliance with applicable project permits.

To ensure that no inadvertent impacts to an active bird nest will occur, no disturbance and/or construction activities shall occur within the protective buffer area(s) until the juvenile birds have fledged (left the nest), and there is no evidence of a second attempt at nesting, as determined by the qualified biologist.

The developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.

BIO-2. To avoid impacts to burrowing owls, a qualified biologist will conduct a two-visit (i.e. morning and evening) pre-construction presence / absence survey at all areas of suitable habitat on and within 300 feet of the construction site within 30 days prior to the start of construction. Surveys will be conducted according to methods described in the Revised Staff Report on Burrowing Owl Mitigation (California Department of Fish and Wildlife 2012).

If pre-construction surveys are undertaken during the breeding season (February through August) and locate active nest burrows near construction zones, then these nests and a 200-meter (600-foot) exclusion zone will be delineated which must remain off-limits to ground-disturbing activities until the breeding season is over. The exclusion zone shall be clearly delineated/fenced, and work could proceed within the exclusion zone after the biologist has

determined that fledglings were capable of independent flight and the California Department of Fish and Wildlife has approved the recommencement of work inside the exclusion zone, or has authorized physical relocation of the owls. Nesting owl pairs physically relocated (after consultation and approval from the California Department of Fish and Wildlife) as a consequence of construction activities are typically provided a habitat replacement mitigation ratio of 6.5 acres per owl pair/territory relocated.

The project developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.

BIO-3. To avoid impacting active bat roosts, if present, any vacant buildings on the site proposed for removal that are boarded up prior to construction (dark in the daytime) shall be opened in the winter months (prior to mid-March) to allow in light, making these areas non-suitable for use as bat roosts.

The developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.

BIO-4. Mature trees removed due to project implementation shall be removed in two stages (with the limbs removed one day, and the main trunk removed on a subsequent day) to allow any potentially present day-roosting bats the opportunity to relocate. If bat roosts are encountered during tree removal, a bat specialist shall be hired to assist in any relocation efforts.

The developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.

- b-d. The North 40 EIR determined that there is no riparian habitat, no potentially jurisdictional wetlands or waterways, or any natural wildlife movement corridors in the plan area (North 40 EIR pages 3-63 and 3-64).

The proposed storm water improvements consist of the installation of a storm drainage pipe connecting an existing 36-inch pipe crossing under State Route 17 with an existing 42-inch pipe and outfall to Los Gatos Creek, consistent with the North 40 Specific Plan. The North 40 EIR concluded that development under the North 40 Specific Plan would result in no on- or off-site impacts to riparian habitat, wetlands, and movement corridors (North 40 EIR, pages 3-63 and 3-64). The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

- e. The proposed project would result in development consistent with the North 40 Specific Plan, as considered in the North 40 EIR. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary. The North 40 EIR concluded that implementation of Mitigation Measure BIO-5 regarding

tree removal, as presented in Section 3.4, Biological Resources, in the North 40 EIR and below would reduce impacts to protected trees to a less-than-significant level (North 40 EIR, pages 3-64).

North 40 EIR Mitigation Measure Addressing Impacts

BIO-5. Prior to tree removal, a Tree Preservation Report or Tree Protection Plan shall be prepared by a qualified arborist, and a Tree Removal Permit shall be obtained stipulating exactly how many protected trees of each species will be removed and how many will then be required as replacement plantings, along with where they can be planted, and any applicable maintenance requirements. Retained trees shall be protected during construction according to the measures specified in the Tree Protection Ordinance (Town of Los Gatos 2003).

The project developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.

f. The North 40 EIR determined that (page 3-65):

- The plan area is not located within a habitat conservation plan area or natural community conservation plan area.
- The Plan Area is outside the boundary of the Santa Clara Valley Habitat Plan. The Santa Clara Valley Habitat Plan covers Los Gatos Creek to the west, and extensive areas to the east, but does not include the plan area.

Based on these determinations, the North 40 EIR concluded that development under the North 40 Specific Plan would result in no impacts associated with development within a habitat plan area (North 40 EIR, pages 3-65). The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

5. CULTURAL RESOURCES

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5? (2,3,4)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5? (2,3,4,6)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (1,2,3,4,5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
d. Disturb any human remains, including those interred outside of formal cemeteries? (2,3,4,6)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The North 40 EIR determined that the North 40 Specific Plan would result in significant and unavoidable impacts to historic resources due to the removal of buildings within the plan area that have been identified as potentially historic, having an association with the area's agricultural past. Six buildings (or groups of buildings on a single site) are listed in the historic resources evaluation (Appendix G in the North 40 EIR) as potentially eligible as state historic resources (Final EIR, pages 4-8 and 4-9). The implementation of Mitigation Measures CR-1 as presented in Section 3.5, Cultural Resources, in the North 40 EIR would reduce the significance of the impact to a less-than-significant level (North 40 EIR, pages 3-77 and 3-78; Final North 40 EIR, page 4-9). Note that Mitigation Measure CR-2 is only applicable if potentially historic buildings are proposed for retention, which is not the case for the proposed project.

The proposed project would result in the removal three of the potentially historic buildings (three houses along Los Gatos Boulevard) that were identified for removal and considered in the North 40 EIR. Therefore, the proposed project would result in the same type of impacts to historic resources as those identified for the North 40 EIR. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary. Implementation of Mitigation Measures CR-1 as presented in Section 3.5, Cultural Resources, in the North 40 EIR, would reduce the significance of the impact to a less-than-significant level.

North 40 EIR Mitigation Measure Addressing Impacts

CR-1. Prior to demolition of buildings within the Plan Area identified as potentially historic resources, the developer(s) shall prepare photographic documentation of the buildings meeting the documentation standards of the Historic American Buildings Survey / Historic American Engineering Record (HABS/HAER), as presented in the North 40 Specific Plan Historic Resources Technical Report. The historic documentation shall be prepared at Level IV (sketch plan, digital photographs of exterior and interior views, and HABS/HAER inventory cards) for the potentially historic buildings. No historic documentation shall be required for the orchard, except as may be incidentally included in the documentation of the structures.

The developer(s) shall prepare, or retain a qualified professional who meets the standards for architectural historian and/or historical architect set forth by the Secretary of the Interior (Secretary of the Interior's Professional Qualification Standards, 36 CFR 61) to prepare documentation of historic resources prior to any construction work associated with demolition or removal.

The Town of Los Gatos shall identify appropriate repositories for housing the historical documentation at the time of the project-level analysis. An interpretive display shall be incorporated into the design of commercial development within the Plan Area.

- b. Based on background information and the archeological report prepared by Archaeological Consulting (2011), the North 40 EIR concluded that no surface evidence of potentially significant archaeological resources exists within the plan area. However, the proposed project would include excavations for buildings and pipelines, including off-site pipelines. Because unknown significant buried cultural resources could be present at the project site, and uncovered during grading or excavation activities, the potential exists for disturbance of significant archaeological resources. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary. Implementation of Mitigation Measure CR-3, as presented in Section 3.5, Cultural Resources in the North 40 EIR would reduce this impact to a less-than-significant level.

North 40 EIR Mitigation Measure Addressing Impacts

CR-3. For grading or excavations deeper than four feet below the existing surface, a qualified archaeologist shall be retained to monitor the excavations. The archaeologist shall be present on-site to observe a representative sample of deep grading or excavations in at least three areas within the Plan Area until satisfied that there is no longer a significant potential for finding buried resources. In the event that any potentially significant

archaeological resources (i.e., potential historical resources or unique archaeological resources) are discovered, the project archaeologist shall designate a zone in which additional archaeological resources could be found and in which work shall be stopped. A plan for the evaluation of the resource shall be submitted to the Community Development Director for approval. Evaluation normally takes the form of limited hand excavation and analysis of materials and information removed to determine if the resource is eligible for inclusion on the California Register of Historic Resources.

In the event that significant paleontological, historic, and/or archaeological remains are uncovered during excavation and/or grading in the absence of an archaeological monitor, all work shall stop in the area of the subject property until a qualified archaeologist can assess the find and, if necessary, develop an appropriate data recovery program.

The Planning Division of the Community Development Department shall be responsible for ensuring the implementation of this mitigation measure. Costs will be the responsibility of the developer(s).

- c. The General Plan EIR cites the University of California Museum of Paleontology in determining that there are no fossil localities within the Town of Los Gatos (General Plan EIR, page 4.4-15), but determined that deep excavations could disturb unknown underground paleontological resources. The proposed project would involve excavation for underground parking and for installation of pipelines. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary. Implementation of Mitigation Measure CR-4, as presented in Section 3.5, Cultural Resources in the North 40 EIR and General Plan Policy OSP-9.4 would reduce this potential impact to a less-than-significant level.

North 40 EIR Mitigation Measure Addressing Impacts

CR-4. If human remains are found during construction activities, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the archeological monitor and the coroner of Santa Clara County are contacted. If it is determined that the remains are Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location

not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

The Planning Division of the Community Development Department shall be responsible for ensuring the implementation of these mitigation measures. Costs will be the responsibility of the developer(s).

- d. The Plan Area is not known to contain human remains, but excavation during construction of project improvements within the project site, or off-site pipelines, could result in disturbance of human remains, should they be buried in areas where excavations are made. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary. Implementation of Mitigation Measure CR-4, as presented in Section 3.5, Cultural Resources in the North 40 EIR and in item 5c, above, would reduce this impact to a less-than-significant level.

6. GEOLOGY AND SOILS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? (2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
(2) Strong seismic ground shaking? (2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
(3) Seismic-related ground failure, including liquefaction? (2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
(4) Landslides? (2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil? (2)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? (2,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

- a (1-4). The North 40 EIR determined that the plan area would be subject to strong shaking during a moderate to large earthquake on any of several regional earthquake faults. However, based on soil and groundwater conditions, and applicable building codes and engineering standards, impacts associated with seismic activity would be less than significant (North 40 EIR pages 3-86 and 3-87). The proposed project would result in development within the plan area boundaries that were considered in the North 40 EIR. Therefore, the proposed project would result in the same impacts associated with seismic activity as those identified in the North 40 EIR. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.
- b. The North 40 EIR determined that compliance with Los Gatos Town Code section 12.20.010 – which requires projects to obtain a grading permit prior to ground disturbance – and Los Gatos Town Code section 12.20.050 – which requires an erosion and sedimentation control plan be prepared for projects that expose large areas of bare soil – that the proposed North 40 Specific Plan would not result in significant erosion impacts (North 40 EIR, page 3-87). The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

During construction, the project site would require mass grading for on-site development and excavation that would be required for installation of on-site and off-site pipelines, both of which would provide the potential for soil erosion by wind or water if preventative steps are not taken. The Los Gatos Town Code sections cited above would prevent significant impacts. An Interim Erosion Control Plan has been prepared for the proposed project and is included in the Tentative Map. With implementation of the erosion control plan, no significant erosion impacts would occur. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

- c. The North 40 EIR determined that because the project site is essentially level, underlain within about five feet of the surface with dense sands, and that groundwater is very deep, the project site is not subject to collapse. The North 40 EIR concluded that implementation of the Specific Plan would have no impacts associated with soil stability (North 40 EIR, page 3-87). The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.
- d. The North 40 EIR determined that the soils within the plan area are composed of sandy and gravelly constituents that would not be subject to expansion or shrink-swell characteristics. The North 40 EIR concluded that implementation of the North 40

Specific Plan would have no impacts associated with expansive soils (North 40 EIR, page 3-87). The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

- e. Septic systems are not proposed as part of the proposed project. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

7. GREENHOUSE GAS EMISSIONS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (2,3,4,16)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (2,3,4,5,18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

- a. Based on a greenhouse gas analysis prepared for the North 40 Specific Plan (Illingworth and Rodkin 2013), the North 40 EIR determined that greenhouse gas emissions per capita per year would be below the air district threshold of 6.6 metric tons of CO₂e per capita per year (North 40 EIR, page 3-104). Neither the Town of Los Gatos nor the air district has quantified greenhouse gas thresholds for construction activities. However, these emission levels would be less than the air district's project operational threshold of 1,100 MT of CO₂e per year (North 40 EIR, page 3-105). The proposed project is consistent with the North 40 Specific Plan, and greenhouse gas impacts would be less than significant. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary. The greenhouse gas analysis is included in Appendix D in the North 40 EIR.
- b. The North 40 EIR concluded that the North 40 Specific Plan was in compliance with the General Plan and greenhouse gas reduction plans (North 40 EIR page 3-105). The proposed project is consistent with the North 40 Specific Plan, as evaluated in the North 40 EIR, and would implement many of the *Los Gatos Sustainability Plan* policies. The proposed project would not conflict with policies designed to reduce GHG emissions. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment? (2,8,9,10,22)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or a public-use airport, result in a safety hazard for people residing or working in the project area? (2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
f. For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area? (2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
h. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands area adjacent to urbanized areas or where residences are intermixed with wildlands? (2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

- a/b. The proposed project includes residential, commercial, retail, and open space/park uses. The proposed project does not involve the types of land uses that would involve the transport, storage, or use of significant quantities of hazardous materials. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.
- c. One private school, the Yavneh Day School located at 14855 Oka Road, is located within one quarter mile of the project site. However, as discussed above and in the North 40 EIR, proposed project uses would not involve significant quantities of hazardous materials, and would not result in the release of hazardous materials. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.
- d. A search of the Envirostor and Geotracker databases indicates that no Cortese List sites are located within the plan area (California Department of Toxic Substances Control 2015, California Department of Water Resources 2015). Based on a Phase II Environmental Site Assessment prepared for the North 40 Specific Plan Area (ENGEO 2013), the North 40 EIR determined that levels of pesticide residue, lead, and arsenic are below the environmental screening threshold, and do not pose a danger to health (North 40 EIR, page 3-114). The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

The project site has been affected by migration of toxic materials that spilled from leaking underground gasoline storage tanks formerly located at the Lark Avenue Car Wash on the opposite side of Lark Avenue. The hazardous materials reports prepared for the North 40 Specific Plan concluded that constraints to development would arise only if on-site groundwater were to be used, for example for domestic use or during construction. The surface and near-surface soils are considered suitable for residential uses (ENGEO 2013, page 6, as presented in the North 40 EIR, page 3-114). The proposed project would utilize water provided by the San Jose Water Company; no groundwater is proposed to be extracted from within the project site. The North 40 EIR

concluded that street, building, and utility improvements at the south end of the project site, and off-site water pipeline improvements within and south of Lark Avenue would occur in soils within the boundary of the Lark Avenue Car Wash contamination plume. Remediation of the Lark Avenue Car Wash fuel leak is not yet complete.

The North 40 EIR concluded that Mitigation Measure HAZ-1 as presented in Section 3.8, Hazards and Hazardous Materials, in the North 40 EIR would reduce impacts associated with contaminated soils to less than significant (North 40 EIR, pages 3-114 and 3-115). An updated hazardous materials report prepared by Engeo concluded that contaminated groundwater was at least 30 feet below the surface at the project site, and posed no danger to the proposed uses. Refer to Appendix B, Environmental Site Summary. The County Department of Environmental Health continues to work with the Lark Avenue Car Wash to remediate the fuel leak.

The proposed project would result in development that was considered in the North 40 EIR. Therefore, the proposed project would result in the same impacts associated with contaminated soils as those identified in the North 40 EIR. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

North 40 EIR Mitigation Measure Addressing Impacts

HAZ-1. Prior to issuance of permits for activities involving grading or excavation within Lark Avenue, the San Jose Water Company property, the south end of the Plan Area (within the contaminated area delineated on County of Santa Clara Department of Environmental Health records for the Lark Avenue Car Wash fuel leak case), or immediately adjacent areas, the developer shall consult with the Department of Environmental Health regarding the potential for disturbance of contaminated soils. The developer shall either conduct pre-excavation soil testing at an appropriate depth to the proposed work and review results with the Department of Environmental Health, or assume contamination of the soils and proceed with appropriate safeguards, established in consultation with the Department of Environmental Health. Unless pre-excavation soil testing shows no contamination, post-excavation soil testing shall be conducted. If testing shows soil contamination levels are in excess of acceptable levels, the developer shall implement appropriate protective measures in consultation with the Department of Environmental Health, including worker protocols and soil handling and disposal protocols. The presence of contamination may necessitate the use of workers who have been properly trained in accordance with 29 CFR 1910.120. If soil testing shows acceptable contamination levels, no further soils measures may be required. If excavations reach free groundwater, the developer shall stop work and consult with the Department of Environmental Health.

- e/f. The North 40 EIR determined that the project site is not within an Airport Land Use Plan, is not within two miles of a public airport, and is not near a private landing strip. The North 40 EIR concluded that implementation of the North 40 Specific Plan would have no impacts associated with proximity to an airport or airport hazards. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.
- g. The project site is adjacent to major thoroughfares and is within one mile of one major hospital, three additional hospitals and a local fire station. The North 40 EIR determined that development would not impair access to these roads or facilities or interfere with response during an emergency, would not interfere with implementation of the emergency operations plans identified in the Town's *Emergency Operations Plan* (North 40 EIR pages 3-115 and 3-116), and that there would be no impact on emergency plans. The proposed project is consistent with the North 40 Specific Plan and would not interfere with emergency response. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.
- h. The North 40 EIR determined that the project site is classified as a non-Very High Fire Hazard Severity Zone, within the local responsibility area. Areas with this classification have a low potential for wildlands fires. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

9. HYDROLOGY AND WATER QUALITY

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Violate any water quality standards or waste discharge requirements? (1,2,5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., would the production rate of preexisting nearby wells drop to a level which would not support existing land uses or planned uses for which permits have been granted? (2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in <i>substantial erosion or siltation on- or off-site?</i> (2)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface run-off in a manner which would result in <i>flooding on- or off-site?</i> (2)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
e. Create or contribute run-off water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off? (2,8,22)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
f. Otherwise substantially degrade water quality? (2)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
g. Place housing within a 100-year flood hazard area as mapped on Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam? (2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
j. Be subject to inundation by seiche, tsunami, or mudflow? (2)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>

Comments:

- a. The North 40 Specific Plan includes guidelines consistent with the *San Francisco Bay Region Basin Plan*, *Watershed Action Plan*, and the General Plan. There would be no conflict with water quality plans or regional water quality requirements. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

- b. As stated in the North 40 EIR the proposed project would receive water from the San Jose Water Company in greater quantities than are currently delivered to the project site. The Los Gatos service area of the San Jose Water Company obtains water from two surface water sources: local surface water from the Santa Cruz Mountains, and treated surface water provided by the Santa Clara Valley Water District.

Groundwater elevations have been kept within the Santa Clara Valley Water District's targets, based on operational storage capacity, and additional groundwater recharge is planned to maintain a balance in the aquifer. Therefore, even if increased groundwater pumping is necessary regionally, groundwater aquifers will be maintained in balance, and there would be no impact on groundwater levels. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

- c. Grading permits and preparation of an erosion and sedimentation control plan is required by the Town. Because the disturbance area would exceed one acre, a storm water pollution prevention program would be required in conformance with the National Pollutant Discharge Elimination System Construction General Storm Water Permit. With implementation of these requirements, the proposed project would not result in significant erosion or sedimentation impacts from on-site or off-site grading and excavation activities. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

Drainage that currently infiltrates on-site or is conveyed to a location on Los Gatos Creek south of State Route 85, would be re-routed through an existing pipe under State

Route 17, and discharged through a currently inactive outfall to Los Gatos Creek near the Bonnie View mobile home park. In addition, off-site drainage from properties along Los Gatos Boulevard would also be diverted to this location.

In compliance with the requirements of the Santa Clara Valley Urban Runoff Pollution Prevention Program, a hydro-modification analysis was prepared to determine if the changes in volume, rate, and location of discharge would result in increased erosion within the Los Gatos Creek channel. Modeling assumed that most of the plan area would be built at 90 percent impervious. The analysis concluded that over a modeled period of 18 years, the cumulative sediment load carried in Los Gatos Creek would increase by 0.02 percent due to the increased flows from the plan area, and that this would be a less-than-significant impact on Los Gatos Creek (ESA PWA 2013). The proposed project is a subset of the land area included in the modeling. The project proposes impervious land coverage of about 76 percent (Vesting Tentative Map, Storm Water Control Plan), which is below the level assumed in the modeling. Therefore, the proposed project would not have impacts more severe than analyzed in the North 40 EIR. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

- d. Hydro-modification analysis modeling, as documented in the North 40 EIR, assumed that most of the plan area would be built at 90 percent impervious, which is a conservative assumption, given the requirement for 30 percent overall open space within the plan area. The project proposes impervious land coverage of about 76 percent, which is below the level assumed in the modeling. With implementation of Low Impact Development measures, which are required by the municipal storm water permit, and are likely to reduce off-site flows, the flow study concluded that the flows would not result in flooding and the impact would be less than significant. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.
- e. The proposed project includes excavation of soils some of which may have been contaminated by gasoline storage tank leaks at the Lark Avenue Car Wash. Soil excavated in this area could contain toxic contaminants, and displacement of the soil could potentially result in contaminants being released from the soil. Released contaminants could be transported to Los Gatos Creek, or contaminated soil could be transported to another location, and released contaminants could be transported to other waters. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary. Mitigation Measure HAZ-1, presented in Section 3.8 Hazards and Hazardous Materials of the North 40 EIR, would reduce this impact to a less-than-significant level.

North 40 EIR Mitigation Measures Addressing Impacts

HAZ-1. Prior to issuance of permits for activities involving grading or excavation within Lark Avenue, the San Jose Water Company property, the south end of the Plan Area (within the contaminated area delineated on County of Santa Clara Department of Environmental Health records for the Lark Avenue Car Wash fuel leak case), or immediately adjacent areas, the developer shall consult with the Department of Environmental Health regarding the potential for disturbance of contaminated soils. The developer shall either conduct pre-excavation soil testing at an appropriate depth to the proposed work and review results with the Department of Environmental Health, or assume contamination of the soils and proceed with appropriate safeguards, established in consultation with the Department of Environmental Health. Unless pre-excavation soil testing shows no contamination, post-excavation soil testing shall be conducted. If testing shows soil contamination levels are in excess of acceptable levels, the developer shall implement appropriate protective measures in consultation with the Department of Environmental Health, including worker protocols and soil handling and disposal protocols. The presence of contamination may necessitate the use of workers who have been properly trained in accordance with 29 CFR 1910.120. If soil testing shows acceptable contamination levels, no further soils measures may be required. If excavations reach free groundwater, the developer shall stop work and consult with the Department of Environmental Health.

- f. The project site is within the Guadalupe River watershed of the Santa Clara Basin and is not adjacent to a riparian corridor, so the objectives and strategies aimed at protecting the water quality of off-site drainage are the most relevant to the proposed project. The North 40 Specific Plan includes general guidelines consistent with the *San Francisco Bay Region Basin Plan* and *Watershed Action Plan*. The proposed project includes detailed plans and measures for protecting water quality during construction and operation of the project (Tentative Map sheets 1.13, 1.14, and 1.6). With these guidelines and measures in place there will be a less-than-significant impact on water quality. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.
- g-j. The project site is not located within a 100-year flood zone; the site is located within a 500-year flood zone. If flooding were to occur, it would be infrequent, and most likely minor.

The project site is located within the dam failure inundation area of Lenihan Dam at Lexington Reservoir on Los Gatos Creek. Lenihan Dam was seismically upgraded in the past five years, and the state inspects dams regularly to ensure safety; therefore, dam failure is unlikely.

The North 40 EIR determined that risk of inundation by seiche, tsunami, or mudflow is less than significant. The Plan Area is not located adjacent to a large body of water, so seiches and tsunamis are not possible. The plan area is essentially level, and is surrounded by essentially level ground, so mudflows are not possible (North 40 EIR, page 3-132). The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

10. LAND USE AND PLANNING

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Physically divide an established community? (1,2,5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
b. Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (1,2,5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
c. Conflict with any applicable habitat conservation plan or natural community conservation plan? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

- a. The proposed project is on an in-fill site situated adjacent to State Route 17 on the west side, and two arterials on the south and east, and will have future North 40 Specific Plan phase 2 development to the north. The project site is partially developed land located within a developed urban area. The proposed project would include residential, commercial, and retail uses and would not result in the physical division of the community. The proposed project is consistent with the North 40 Specific Plan. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.
- b. The proposed project is consistent with the North 40 Specific Plan, adopted by the Town Council on June 17, 2015. The North 40 Specific Plan was found to be consistent with the General Plan. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.
- c. The project site is not within a habitat conservation area or natural community conservation plan and is outside the boundary of the Santa Clara Valley Habitat Conservation Plan / Natural Community Conservation Plan. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

II. MINERAL RESOURCES

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (2, ,5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
b. Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan? (2, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

- a/b. As stated in the North 40 EIR, mineral resources are not addressed in the General Plan EIR. The North 40 EIR determined that the North 40 Specific Plan would not result in any impacts to mineral resources because there is no active mining within the plan area or anywhere within the Town, and the mineral resources in the vicinity of the plan area are not considered significant (North 40 EIR, page 3-86). The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

12. NOISE

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies? (2,14,24)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
b. Result in exposure of persons to or generation of excessive ground-borne vibration or ground borne noise levels? (2,14)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (2,14)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (2,14)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, expose people residing or working in the project area to excessive noise levels? (2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
f. For a project located within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels? (2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

- a. The major noise source near the project site is traffic on State Route 17, Los Gatos Boulevard, and Lark Avenue. There are no significant stationary noise sources near the project site. Noise sources associated with existing uses within the project site are traffic to and from residences and businesses, and agricultural operations in the orchard.

The North 40 Specific Plan includes construction of a noise barrier commencing at the south end of the existing noise barrier along State Route 17, and continuing south to

Lark Avenue and east along Lark Avenue for approximately 200 feet (or approximately 150 feet of west of South A Street). From the existing noise barrier to a point approximately 200 feet north of Lark Avenue the noise barrier will be 14 feet tall; from that point to Lark Avenue, the noise barrier will be 12 feet tall, and along Lark Avenue the noise barrier will be 10 feet tall for a length of about 100 feet and eight feet tall thereafter. Consistent with the North 40 Specific Plan, the proposed project includes the noise walls. The North 40 EIR determined that noise levels at residential buildings would exceed the Town's L_{dn} 65 dBA exterior noise standards for that use: up to L_{dn} 66 dBA at grade and up to L_{dn} 74 dBA at 40 feet above grade. Mitigation Measure N-1 requires the sound walls that are incorporated as part of the North 40 Specific Plan; Mitigation Measure N—2 requires architectural noise reduction features to reduce interior noise levels to L_{dn} 45 dBA when exterior noise levels are greater than L_{dn} 65 dBA; and Mitigation Measure N-3 places requirements on residential building orientation near Los Gatos Boulevard. Charles M. Salter prepared architectural noise attenuation recommendations for the proposed project, in satisfaction of the requirements of Mitigation Measure N-2. Refer to Appendix C, Environmental Noise Review. The recommendations will be part of the project conditions, and incorporated into construction drawings for the affected buildings.

Additional measures to reduce stationary noise generation to meet the Town Code standards, are described in Los Gatos Town Code Sections 16.20.15 to 16.20.25 and General Plan Table NOI-2. These measures are expected to include equipment selection and orientation, noise barriers, roof screens and enclosures. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary. Following are the applicable mitigation measures from the North 40 EIR:

North 40 EIR Mitigation Measures Addressing Impacts

NOI-1. A noise barrier shall be constructed commencing at the south end of the existing noise barrier along State Route 17, and continuing south to Lark Avenue and east along Lark Avenue for approximately 300 feet (or approximately 50 feet of west of Highland Oaks Drive). From the existing noise barrier to a point approximately 200 feet north of Lark Avenue the noise barrier shall be 14 feet tall; from that point to Lark Avenue, the noise barrier shall be 12 feet tall, and along Lark Avenue the noise barrier shall be 10 feet tall for a length of about 100 feet and 8 feet tall thereafter. The noise barrier shall have a decorative design and/or include plantings or a planting buffer that would improve the appearance of the barrier from State Route 17 and Lark Avenue.

NOI-2. Future development located on sites that are shown in the North 40 Specific Plan EIR as exceeding the normally acceptable noise level of the Town of Los Gatos 2020 General Plan

and Town noise ordinance shall demonstrate that building designs and placement adequately reduce noise. If a study shows that actual noise (and projected noise levels at Specific Plan build-out) will exceed applicable Town noise standards, site and/or building plans shall identify measures to meet these standards. The developer(s) shall be responsible for preparing noise studies and implementing noise attenuation measures as conditions of project approval and construction. The developer(s) shall:

- *Identify outdoor use spaces and building design or barrier walls to reduce environmental noise to 65 dBA Ldn or lower;*
- *Identify exterior-to-interior sound insulation measures, such as sound rated windows and doors, to reduce environmental noise to 45 dBA Ldn or lower indoors at residences and hotel guest rooms; and*
- *As windows will need to be closed to meet the allowable interior noise level across the site, residences and hotel guest rooms shall incorporate ventilation or air-conditioning systems to provide a habitable interior environment, consistent with California Building Code requirements. Systems must not compromise sound-insulation of the building shell.*

NOI-3. Future development projects shall be designed so that all podium buildings are oriented to shield outdoor courtyards from the adjacent roadways. Future development projects shall be designed so that residences along Los Gatos Boulevard incorporate noise barriers as needed to shield outdoor use spaces. Outdoor use areas (excluding outdoor areas that are principally landscaped areas, parking areas, or sidewalks) shall meet the 65 dBA Ldn or lower outdoor noise standard. The applicant for each development project shall submit building and site plans demonstrating compliance with this measure.

NOI-4. Future non-residential development on sites where the Ldn noise levels are 68 dBA or higher as shown in the North 40 Specific Plan EIR, shall include site-specific noise attenuating building designs providing sound-rated construction that will reduce interior levels to the California Green Building Code requirement of Leq-1hr 50 dBA or lower. Alternatively, the developer(s) can demonstrate that exterior walls and roofs have been designed to have sound insulation ratings of STC 50 or higher, with minimum STC 40 windows.

NOI-5. Future development shall provide building-specific designs to reduce stationary noise source noise generation to the Town Code standards, as described in The Los Gatos Town Code Sections 16.20.15 to 16.20.025 and General Plan Table NOI-2. These measures are expected to include equipment selection and orientation, noise barriers, roof screens and enclosures.

In addition, implementation of Mitigation Measure NOI-6 would reduce potentially significant vibration impacts of the proposed project to a less-than-significant level. This determination is consistent with that in the North 40 EIR.

- b. Based upon the information provided in the North 40 EIR Table 15- Vibration Source Levels for Typical Construction Equipment, vibration levels could reach up to 86 VdB for use of construction trucks and even higher with the use of large bulldozers or pile drivers at sensitive uses located within 25 feet of the equipment. Because construction activities are normally short-term in nature, it is possible that under limited conditions where high vibration generating equipment is used near residential developments, use of such equipment could be a source of short-term annoyance, but not likely a source of excessive long term vibration impacts. Consequently, the impact is less than significant. There are no known vibration sensitive uses or vibration-generating uses in the proposed project. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

North 40 EIR Mitigation Measure Addressing Impacts

NOI-6. Future development projects that include vibration-sensitive facilities, or businesses with highly vibration-sensitive equipment shall quantify vibration levels and demonstrate project-specific building designs to reduce vibration to acceptable levels.

- c/d. Since no existing residences would remain adjacent to the project site, the noise increase during construction would be less than significant. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.
- e/f. The project site is not within two miles of an airport land use plan, is not within two miles of a public airport, and is not near a private landing strip (Google Maps 2013). The nearest airports are San Jose International Airport, seven miles to the north, and Reid-Hill view Airport, nine miles to the northeast. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

13. POPULATION AND HOUSING

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? (1,2,3,4,14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (1,2,3,4,14)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (1,2,3,4,14)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The North 40 EIR determined that the development densities proposed under the North 40 Specific Plan are equal to or less than those envisioned for the area in the General Plan. The General Plan envisioned up to 750 housing units and 580,000 square feet of commercial development within the Plan Area. The North 40 Specific Plan limits development to 270 housing units and 501,000 square feet of commercial and/or office space.

The proposed project would result in the construction of 320 residential units. The project proposes 237 base units, and is entitled to the additional 83 units because at least 11 percent of the base units are affordable. The density bonus units are not subject to density limits in accordance with state law. Housing and population within the plan area would be within that anticipated in the General Plan and analyzed in the North 40 EIR, and the proposed project would have no impact on population growth. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

- b/-c. The North 40 EIR assumed that up to 36 houses would be removed, and that there would be 364 residential units at buildout. The proposed project would remove 16 houses and develop a total of 320 new units, of which 50 would be affordable senior housing units for a cumulative total of 336 units which is below the 364 units assumed in the North 40 EIR. Therefore, impacts to housing and population would be less than significant. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

14. PUBLIC SERVICES

Would the proposed project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Fire protection? (1,3,4,14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
b. Police protection? (1,3,4,14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
c. Schools? (1,3,4,14)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
d. Parks? (1,3,4,14)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
e. Other public facilities? (1,3,4,14,15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

- a. The North 40 EIR and the General Plan EIR indicate that the proposed project would be adequately served by the Santa Clara County Fire Department, without the need for new or expanded facilities. The proposed project is within the unit count analyzed in the North 40 EIR. Therefore, the proposed project would not require any new or expanded fire department facilities. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.
- b. The North 40 EIR determined that the Town's police services office space was expanded in recent years, and should be adequate to accommodate the increased demands brought about by implementation of the North 40 Specific Plan. Because no new or expanded police department facilities would be required, the North 40 EIR concluded that the North 40 Specific Plan would result in no impact for police facilities. The proposed project is within the unit count analyzed in the North 40 EIR. Therefore, the proposed project would not require any new or expanded police department facilities. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.
- c. The North 40 EIR determined that the North 40 Specific Plan would generate a net increase of approximately 47 students. Payment of the state-mandated school impact fees would mitigate impacts to schools to a less-than-significant level. The proposed project has fewer residential units than analyzed in the North 40 EIR, and 50 of these are senior units. Therefore, the proposed project would not require any new or expanded school

- facilities and result in a less-than-significant impact. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.
- d. The North 40 EIR determined that new housing included in the North 40 Specific Plan would result in an increase in the use of existing parks and recreational facilities, and this additional use could have physical impacts on these the facilities. The plan area is served by a large number of existing park and recreational facilities, within several different jurisdictions and districts, and these would provide adequate park area to serve new residents. No new or expanded parks facilities would be required. The proposed project is within the unit count analyzed in the North 40 EIR. Therefore, the proposed project would not require any new or expanded parks. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.
 - e. As discussed in the North 40 EIR, the General Plan EIR concluded that build-out of the General Plan, which includes the plan area, in conjunction with past development, would require expansion of the existing library (North 40 EIR, page 3-188). The North 40 EIR noted that a new library has been constructed and determined that the new library would adequately serve development under the North 40 Specific Plan and other development within the Town. The proposed project is within the unit count analyzed in the North 40 EIR. Therefore, the proposed project would not require any new or expanded library facilities. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

15. RECREATION

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (1,2,3,4,14)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? (1,2,3,4,14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

- a/b. As discussed in the North 40 EIR, the North 40 Specific Plan requires 30 percent of the plan area be open space. Parks are an allowed use, but the North 40 Specific Plan does not include policies requiring any public parks. The North 40 EIR determined that the proposed open space areas within the Plan Area and existing parks elsewhere in the Town would be adequate to serve the Project Site (North 40 EIR, page 3-187). The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

The proposed project is within the unit count analyzed in the North 40 EIR. Therefore, the proposed project would not require any new or expanded recreational facilities. Recreational facilities included within the proposed project were analyzed in the North 40 EIR. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

16. TRANSPORTATION/TRAFFIC

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (1, 2, 3, 4, 17)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (1,2,3,4,17)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (1,2,3,4)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
e. Result in inadequate emergency access? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decreased the performance or safety of such facilities? (2)	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

a/b. Phase 1 development is expected to occur over a two to five year timeframe. Construction would involve improvements to the frontage and medians of both Los Gatos Boulevard and Lark Avenue. The conceptual offsite improvements are not part of the tentative map but are attached for reference. The following off-site improvements will be required for the proposed project:

- Lark Avenue: Los Gatos Boulevard to SR 17 Northbound Ramps -- add a third westbound through lane and a third eastbound through lane. Lark Avenue will be widened to provide three westbound lanes from Los Gatos Boulevard to the new "A" Street and to provide four westbound lanes, two through and two right turn lanes, east of State Route 17 northbound ramps. The westbound lanes will taper from three lanes to four lanes starting immediately west of the new "A" Street." (Note: this improvement is consistent with Mitigation Measure TR-2.c).
- Lark Avenue/SR 17 Northbound Ramps Westbound -- provide two through lanes and two 200-foot right turn lanes onto Northbound SR 17 freeway on-ramp and signalize right turn on-ramp movement.
- Lark Avenue/Highland Oaks Drive (un-signalized intersection) -- add a project driveway (A Street) on Lark Avenue opposite Highland Oaks Drive to provide left-in and right-in access and right-out access. Westbound, remove the left-turn lane on Lark Avenue at Highland Oaks Drive to prevent conflicts with eastbound vehicles, and add a third through lane and a right turn deceleration lane east of new project driveway (A Street). Eastbound, add a left-turn lane into the project. Northbound, allow only right turns from Highland Oaks Drive onto Lark Avenue.
- Lark Avenue/Los Gatos Boulevard, Eastbound -- provide two dedicated left turn lanes, one shared through-left lane, and one right turn lane. Northbound, provide three dedicated left turn lanes and two through lanes south of Lark Avenue.
- Los Gatos Boulevard – Construct a continuous median island along Los Gatos Boulevard from Lark Avenue to the north project limits (Phase 1) except at the new intersection (Neighborhood Street), where a left turn/U-turn lanes will be provided.
- Los Gatos Boulevard/New Neighborhood Street – signalize the new intersection.
- Landscaping, pedestrian, and bicycle improvements will be constructed on Lark Avenue and Los Gatos Boulevard adjacent to the project site and along the gasoline station frontage, including: adding a shared use path and landscaping on

the north side of Lark Avenue, a bike lane along the south side of Lark Avenue (eastbound), and a shared use path along the west side of Los Gatos Boulevard.

The North 40 EIR determined that the level of service would drop below acceptable standards at three intersections: Los Gatos Boulevard and Samaritan Drive/Burton Road, National Avenue and Samaritan Drive, and Los Gatos Boulevard and Lark Avenue.

The North 40 EIR included the following mitigation measure most applicable to the project site and the proposed project. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

North 40 EIR Mitigation Measure Addressing Impacts

TR-2. The following off-site intersection improvements shall be completed at the Los Gatos Boulevard/Lark Avenue intersection by the first project developer:

- a. addition of a third eastbound left turn lane on Lark Avenue;*
- b. addition of third northbound left turn lane on Los Gatos Boulevard;*
- c. addition of a third westbound lane on Lark Avenue from Los Gatos Boulevard to the intersection of State Route 17 northbound ramps to the Los Gatos Boulevard/Lark Avenue intersection, which will operate as a second right turn lane east of the State Route 17 northbound ramps/Lark Avenue intersection and to operate as a through-right lane east of the Highland Oaks Drive/Lark Avenue intersection; and*
- d. modification and re-striping of intersection and restriction of parking as needed.*

The proposed project consists of most of the planned residential development and about 10 percent of the planned commercial component. Fehr & Peers prepared the memo report *North 40 Specific Plan: Transportation Analysis for Phase 1* to determine to what extent the mitigation measures listed in the North 40 should be implemented for the current phase of development. The traffic memo was peer reviewed on behalf of the Town by TKJM Transportation Consultants. Refer to Appendix D, Traffic Reports. The proposed project would generate about one-third of the total traffic projected from within the plan area.

The report considered study intersections that were either adjacent to the project site or identified in the traffic analysis as falling below standards. The study concluded that the study intersections operate acceptably with Phase 1 project traffic under Background and Cumulative conditions. Additional roadway mitigation is not required with Phase 1.

The project site is within the Vasona light rail area and ideally there would be multi-modal access to the future light rail station. The North 40 EIR determined that development within the plan area should be linked with the Vasona Light Rail station, and included the following two mitigation measures:

North 40 EIR Mitigation Measure Addressing Impacts

TR-4. The developer(s) shall work with the Town and Santa Clara Valley Transportation Authority regarding the provision of a shuttle service or regularly scheduled direct bus route service to the Vasona light rail station, to be in service concurrent with commencement of revenue service on the Vasona light rail extension.

TR-5. The developer(s) shall work with the Town and Santa Clara Valley Transportation Authority, and other agencies to ensure that the Plan Area is developed in a manner that takes full advantage of the transit opportunities afforded by the Vasona Light Rail.

The proposed improvements will require continued coordination with responsible transit agencies prior to installation.

The North 40 EIR identified the need to maintain a safe route between the project site and the closest elementary school and middle school. The following mitigation measure was included to ensure that this route would be maintained.

North 40 EIR Mitigation Measure Addressing Impacts

TR-6. Development within the Lark District near the intersection of Lark Avenue and Los Gatos Boulevard shall provide a direct pedestrian/bicycle access between residential areas and the intersection of Los Gatos Boulevard and Lark Avenue.

The proposed project includes bicycle and pedestrian links throughout, including two pathways that provide access to Lark Avenue and Los Gatos Boulevard. The proposed project will construct a multi-use path along the project frontage of Los Gatos Boulevard and the north side of Lark Avenue connecting to the corner of the intersection of Los Gatos Boulevard and Lark Avenue. Therefore, this mitigation measure is incorporated into project plans. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

Refer to item “f” in regard to the Congestion Management Program.

- c. As set forth in the North 40 EIR the proposed project would have no effect on air traffic patterns. No additional analysis is required. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

- d. The North 40 EIR identified a significant safety impact in regard to narrow streets within the Plan Area. The streets are designed to avoid overly-wide pavement in order to maintain a more intimate pedestrian scale to the transportation facilities, however, this resulted in potential dangers for cyclists sharing the road with cars. Mitigation Measure TR-7 required that sharrows and ‘bicycles can use full lane’ signs be provided in lieu of bicycle lanes, and travel speeds restricted to 30 miles per hour.

North 40 EIR Mitigation Measure Addressing Impacts

TR-7. Either bicycle lanes or sharrows (shared lane markings) shall be provided on A Street between Los Gatos Boulevard and Lark Avenue. The speed limit shall be no greater than 30 miles per hour, and Bikes May Use Full Lane signs (Caltrans sign R4-11) shall be placed on streets marked with sharrows.

The proposed project incorporates this mitigation measure in its design. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

- e. The proposed project includes one street connecting to Lark Avenue and two streets connecting to Los Gatos Boulevard in addition to the existing Bennett Way street connection to Los Gatos Boulevard. The street connections would provide ample emergency access within the project site. The North 40 EIR determined that the North 40 Specific Plan would not interfere with emergency access in the vicinity of the project site. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.
- f. The North 40 EIR identified a significant and unavoidable impact for inconsistencies with the Congestion Management Program. This unavoidable impact was removed by reducing the development capacity permitted within the North 40 Specific Plan.

17. UTILITIES AND SERVICE SYSTEMS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (1, 2, 5)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (1, 2, 5)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (1, 2, 5)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (1, 2, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
e. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (1, 2, 5)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid-waste disposal needs? (1, 2, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
g. Comply with federal, state, and local statutes and regulations related to solid waste? (1, 2, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓

Comments:

a/b/e. As discussed in the North 40 EIR, the Plan Area wastewater flow was estimated based on generation factors of 250 gallons per day per residence and 70 gallons per day per 1,000 square feet for commercial uses (RMC Water and Environment 2009). Plan Area build-out would result in the generation of approximately 236,000 gallons of wastewater per day.

The General Plan EIR concluded that build-out of the General Plan would not result in significant impacts associated with wastewater (Final EIR page 2-9). The proposed project would be consistent with the North 40 Specific Plan and there would be adequate remaining wastewater conveyance and treatment capacity. A short off-site wastewater collection pipe connection would be required where the existing off-site connection line currently terminates at the southern Oka Road right-of-way, and would be extended within the right-of-way to a connection with an existing 21-inch trunk line. This extension would not result in significant environmental impacts. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

The proposed project would construct an off-site water pipe extension to the San Jose Water Company's Montevina pipe at 7-mile station. Potentially significant air and noise impacts could occur during construction of this pipeline connection. Refer to the impact discussions and mitigation measures presented in the North 40 EIR, Section 3.3 Air Quality, and 3.11 Noise. Mitigation measures presented in those sections would reduce impacts to a less-than-significant level. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

- c. The plan area requires the construction of off-site storm water facilities to complete facilities that were partially constructed when the State Route 85 freeway was constructed. At the time the highway was constructed, certain parts of the planned storm drainage system, including a pipe beneath State Route 17 and a discharge at Los Gatos Creek, were built in anticipation of development within the Plan Area. However, gaps remain that require connecting pipes at locations outside the Plan Area.
- d. The General Plan Final EIR concluded that build-out of the General Plan would not result in significant impacts associated with water supply (North 40 Final EIR page 2-9). The Town's general plan has included development of the Plan Area since at least 1989. The North 40 Specific Plan provides for reduced development by comparison to that allowed in the General Plan. Therefore, water demands would be lower than has been accounted for, and can be adequately accommodated by the Santa Clara Valley Water District and the San Jose Water Company. The proposed project is within the unit count analyzed in the North 40 EIR. Therefore, the proposed project would not require any new or expanded water supplies or delivery infrastructure. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.
- f. The General Plan EIR concluded that build-out of the General Plan would not result in significant impacts associated with solid waste (Town of Los Gatos 2010c, page 2-9).

The North 40 EIR states that the landfill has adequate landfill space through 2048. The proposed project is within the unit count analyzed in the North 40 EIR. Therefore, the proposed project would not require any new or expanded landfill disposal facilities. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

- g. The proposed project would have the same recycling and diversion opportunities as considered in the North 40 EIR. The certified North 40 EIR adequately addresses the impacts and therefore, no further environmental analysis is necessary.

18. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Does the project have the potential to degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory? (1,2,3,4,5,6)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects) (1, 2, 5)	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? (2)	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>

Comments:

- a. The proposed project has relatively low chances to disturb protected biological resources, including nesting birds, bat roosts, trees, and burrowing owls. The mitigation measures would reduce impacts to a less-than-significant level.

The project site is not known to include any significant prehistoric resources, but does include several potentially historic houses, based on their age. Mitigation measures would reduce impacts to a less-than-significant level.

- b. The North 40 EIR concludes the following categories to have less-than-significant cumulative levels of impact:

The proposed project is consistent with the General Plan and the North 40 Specific Plan, and with mitigation would have a less-than-significant cumulative effect on aesthetics.

The General Plan EIR determined that the impact of the Plan Area was significant and unavoidable and did not provide any mitigation. The Land Evaluation and Site Assessment analysis prepared for the plan area provided a more in-depth analysis of the value of the farmland and determined that the loss of farmland could be considered less than significant at the project level (refer to North 40 EIR Section 3.2, Agricultural Resources). Therefore, the proposed project would have a less-than-cumulatively considerable effect on agricultural resources.

The General Plan EIR concluded that build-out of the General Plan would not result in significant cumulative impacts to biological resources, with implementation of the applicable goals, policies, and actions in the General Plan. All of the proposed project's biological impacts would be mitigated to a less-than-significant level if the measures proposed in the certified EIR are implemented. Therefore, the proposed project would not make a cumulatively considerable contribution to any significant impact on biological resources.

The General Plan EIR concluded that build-out of the General Plan would not result in significant cumulative impacts associated with cultural resources (archaeological and historic resources) with implementation of General Plan goals, policies, and actions. Therefore, there would not be a cumulative impact on cultural resources.

The General Plan anticipated 943,210 square feet of new commercial development between 2008 and 2020, to be added to the approximately 4.1 million square feet existing in 2008. The General Plan projected the addition of 1,600 new housing units and 3,790 new residents between 2008 and 2020. Town population was forecast to reach 32,600 in 2020. The project proposes 320 housing units, which is fewer than envisioned in the General Plan. The proposed project would add 67,991 square feet of non-residential square footage, which is within the expectations of the General Plan. The proposed project is consistent with the land use designations and long term planning direction of the General Plan. There would not be a cumulatively considerable impact on land use and planning.

The General Plan EIR concluded that build-out of the General Plan would not result in significant impacts associated with geology, soils, or seismicity. Mineral resources are not addressed in the General Plan EIR. Therefore, there would not be a cumulatively considerable impact on geology, soils, and mineral resources.

The General Plan EIR concluded that build-out of the General Plan would make a significant unavoidable contribution to the cumulative impact of climate change (Town

of Los Gatos 2010c, page 2-7). Implementation of General Plan policies would result in an approximate 25 percent reduction in annual GHG emissions by 2020. However, the General Plan EIR concludes that it is uncertain whether this level of reduction will be achieved and that the reduction does not meet the AB 32 Scoping Plan target reduction level of 30 percent. Since that time, a revised reduction estimate of 16 percent has been developed by the California Air Resources Board (California Air Resources Board 2011). Moreover, an analysis of the proposed project's GHG emissions using the air district's plan threshold indicates that the proposed project's greenhouse gas emissions would be within an acceptable range. Therefore, there is not a cumulatively considerable impact on GHG emissions and climate change.

The General Plan EIR concluded that build-out of the General Plan would not result in significant cumulative impacts associated with hydrology and water quality. Groundwater elevations have been within the Santa Clara Valley Water District's targets based on operational storage capacity, and additional groundwater recharge is planned to maintain a balance in the aquifer. Therefore, even if increased groundwater pumping is necessary regionally, groundwater aquifers will be maintained in balance, and build-out of the General Plan, which includes the project site, would not have a cumulatively-considerable impact on groundwater levels.

The project site has a less-than-significant risk of major flooding or dam failure inundation, and therefore there is not a significant cumulative flooding risk within the Town.

As mitigated, with additional low impact development requirements discussed in the impact project analysis, the proposed project would not cause significant water quality degradation. The San Francisco Bay Regional Water Quality Control Board regulates surface water and groundwater quality in the San Francisco Bay region under the guidance of the *San Francisco Bay Region Basin Plan*. The *San Francisco Bay Region Basin Plan* uses a watershed management approach focused on the particular needs of each watershed. The Town and the San Francisco Bay Regional Water Quality Control Board have programs in place to minimize the introduction of pollutants and sediment into water bodies. With the proposed project and other development within the Town constructed in accordance with General Plan policies, Town erosion control and grading regulations, and San Francisco Bay Regional Water Quality Control Board regulations, there would not be any significant cumulative water quality impacts.

The General Plan EIR concluded that build-out of the General Plan would not result in significant cumulative impacts associated with noise. A highway and arterial roads are adjacent on three sides of the project site and are significant noise sources for the project

site and surrounding areas. The addition of cumulative traffic to these roadways would increase traffic volumes, but a very significant percentage traffic increase is required to significantly affect cumulative noise levels. The proposed project would not represent a sufficiently large share of overall traffic levels to have a cumulatively considerable effect on background noise levels. Therefore there would not be a cumulatively considerable impact on noise.

- c. The proposed project would not have a direct adverse effect on human beings.

E. SOURCES

1. **Town of Los Gatos. *North Forty Specific Plan*.**
Adopted by Los Gatos Town Council June 17, 2015.
2. **Town of Los Gatos. *North Forty Specific Plan Draft Environmental Impact Report*.** Prepared by EMC Planning Group, Inc. April 3, 2014; and *North Forty Specific Plan Final Environmental Impact Report*. Prepared by EMC Planning Group, Inc. July 18, 2014. Certified by the Los Gatos Town Council in January 2015.
3. **BAR Architects. North 40, Phase I Residential & Mixed-Use Neighborhood Development, Architecture and Site Planning Application.** February 8, 2016.
4. **Mackay & Somps. Vesting Tentative Map For Condominium Purposes, Los Gatos North 40 Phase I.** February 8, 2016.
5. **Town of Los Gatos. Town of Los Gatos 2020 General Plan and General Plan EIR.** January 7, 2011.
6. **Archaeological Consulting. *Preliminary Archaeological Reconnaissance Report for the Proposed North Forty Project, in Los Gatos, Santa Clara County*.** California. July 12, 2011.
7. **Treadwell and Rollo. *Preliminary Geotechnical Investigation Los Gatos North Forty, Los Gatos, California*.** January 18, 2010 (a).
8. **ENGEO. *North 40 Project Los Gatos, California Phase II Environmental Site Assessment*.** January 11, 2013.
9. **California Department of Toxic Substances Control (DTSC). EnviroStor Database.** Accessed on February 24, 2015 at:
<http://www.envirostor.dtsc.ca.gov/public/mapfull.asp>.
10. **California Regional Water Quality Control Board (RWQCB). Geotracker database.** Accessed on February 24, 2015 at: <http://geotracker.waterboards.ca.gov>.
11. **California Department of Transportation (Caltrans), California Scenic Highways Program.** Accessed on February 25, 2015 at:
<http://www.dot.ca.gov/hq/LandArch/scenic/cahisys.htm>.
12. **Ellis, Deborah. *Arborist Report: North 40 Property, Los Gatos, California*.** March 25, 2011.

13. Ellis, Deborah. ***Arborist Report: North 40 Property, Los Gatos, California (supplement).*** Saratoga, California, September 2013.
14. Charles M. Salter. **North Forty Phase I – Los Gatos, California Draft Environmental Noise Review.** January 20, 2016.
15. Anderson Brulé Architects, Inc. *Los Gatos Civic Center and Library Strategic Master Plan.* 2007.
16. Illingworth and Rodkin. ***North 40 Specific Plan Air Quality and Greenhouse Gas Emissions Assessment Los Gatos, California.*** October 22, 2013.
17. Fehr & Peers. **North 40 Specific Plan: Transportation Analysis for Phase 1,** February 25, 2016
18. **Town of Los Gatos. Los Gatos Sustainability Plan.** July 25, 2012
19. Bay Area Air Quality Management District. 2010 Clean Air Plan.
20. Bay Area Air Quality Management District. CEQA Air Quality Guidelines, May 2010.
21. **EMC Planning Group. Memo regarding Toxic Air Contaminants.** March 7, 2016.
22. Engeo. **Environmental Site Summary.** October 9, 2015.
23. **Illingworth and Rodkin. Los Gatos North 40 – Compliance with Air Quality Mitigation Measures.** January 28, 2016.
24. **Charles M. Salter. North 40 Phase 1 Environmental Noise Review.** March 17, 2016.

All documents indicated in bold are available for review at the **Town of Los Gatos Community Development Department, 110 East Main Street, Los Gatos CA 95030 (408)-354-6875** during normal business hours.

All documents listed above are available for review at EMC Planning Group Inc., 301 Lighthouse Avenue, Suite C, Monterey, California 93940, (831) 649-1799 during normal business hours.